

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shunji Natsuka, et al.

Confirmation No: 9880

Filing Date: 11/05/2003

Art Unit: 1651

Application No.: 10/700,505

Examiner: Kim, Taeyoon

For: MURINE ALPHA (1,3) FUCOSYLTRANSFERASE FUC-TVII, DNA ENCODING THE SAME, METHOD FOR PREPARING THE SAME, ANTIBODIES RECOGNIZING THE SAME, IMMUNOASSAYS FOR DETECTING THE SAME, PLASMIDS CONTAINING SUCH DNA, AND CELLS CONTAINING SUCH PLASMID

Director
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petition under 37 CFR § 1.181

Sir:

In regard to the Notice of Non-Compliant Amendment mailed on September 2, 2009, Applicants hereby petition for the withdrawal of the finding (by the Office) of non-compliance of Applicants' Amendment filed on May 15, 2009.

The above-mentioned Notice stated that Amendment filed on May 15, 2009 was not in accordance with 37 CFR § 1.4 on the ground that the Amendment was signed by an attorney not of record. Further, the Notice advised Applicant to file a new power of attorney.

As advised by Examiner Kim, Applicants filed a response on September 17, 2009 to the above Notice explaining that Amendment filed on May 15, 2009 was properly signed by their representative Nada Jain acting in a representative capacity pursuant to 37 CFR § 1.34 which states that when a patent practitioner signs a paper in practice before the USPTO in a patent case, the "signature shall constitute a representation to the United States Patent and Trademark Office that under the provisions of this subchapter and the

law, he or she is authorized to represent the particular party on whose behalf he or she acts.” *Id.*

Thus, Applicants respectfully submit that because Applicants timely filed a properly signed Amendment (and a new power of attorney is not necessary), the Notice of non-compliant amendment should be deemed null and void, and the response (to Notice) filed on September 17, 2009 should not be considered a delay on Applicants’ part, and therefore should not adversely affect any patent term adjustments.

Applicants respectfully request withdrawal of the finding of Non-compliant Amendment, and that a correction to the above effect be made in the File wrapper of the application so as to avoid the later need for action in case of incorrect computation of patent term adjustment.

No fee is believed due with this petition, however if such is deemed required, Applicants hereby authorize the Director to charge the requisite amount to **Deposit Account No. 50-2549**

Respectfully submitted,

Date: October 29, 2009

/Nada Jain/

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